

Cigelske et al.

S/N: 10/065,774

REMARKS

Claims 1-20 are pending in the present application. In the Office Action mailed January 29, 2004, the Examiner made the Election/Restriction Requirement Final and withdrew claims 9-11 from consideration. As such, Applicant hereby cancels claims 9-11. Applicant appreciates allowance of claims 1-8 and 12-20.

Upon reviewing the pending claims in preparation for the current remarks, Applicant recognized two typographical errors present in claim 15. As such, Applicant has amended claim 15 to correctly call for "an enclosure" and "an electrical stud."

While Applicant has cancelled claims 9-11, Applicant would like to take the opportunity to correct the Examiner's categorization of Applicant's previous traversal remarks included in the Office Action mailed January 29, 2004. Specifically, the Examiner stated that Applicant's previous remarks in furtherance of traversal were on the "ground(s) that the search of one group of claims would necessarily include a search of the other groups." While Applicant does not dispute that this argument was presented, Applicant would like to point out that this line of argument was not the only grounds furthering traversal.

Applicant pointed out that in order for the restriction to be proper, the Examiner must show "that each distinct subject has attained recognition in the art as a separate subject for inventive effort, and also a separate field of search." MPEP §808.02 (emphasis added). Therefore, Applicant first questioned the Examiner's classification of the Groups "as a separate subject for inventive effort" and then, second, distinctly pointed out that a separate field of search is not required. That is, due to commonality of elements within the Groups as a whole, a search of one Group necessarily requires a search of another Group. Applicant pointed out that it appeared the Examiner was erroneously considering only the independent claims of the Groups and not all of the claims of the Groups. Therefore, Applicant's previous remarks in furtherance of traversal were not solely on the "ground(s) that the search of one group of claims would necessarily include a search of the other groups," as asserted by the Examiner.

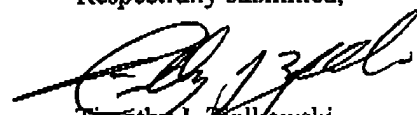
Applicant believes that the present application is in condition for allowance. As a result, Applicant respectfully requests timely issuance of a Notice of Allowance for claims 1-8 and 12-20.

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Applicant appreciates the Examiner's consideration of these Amendments and Remarks and cordially invites the Examiner to call the undersigned, should the Examiner consider any matters unresolved.

Respectfully submitted,



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